

REMARKS

Status of the Claims

Claims 1 and 8 are amended herein. Claims 11-20 were withdrawn. Therefore with this amendment, Claims 1-10 are currently pending and under examination. The amendments do not introduce new matter into this application. Support for the amendments is found throughout the specification.

Status of the Specification

The written description is amended to correct translational/typographical errors. Applicant asserts that these amendments to the specification do not introduce new matter into this application.

Telephonic Interview

On May 9, 2006, Examiner Moss participated in a telephone interview with Dr. David E. Wigley and Mr. Todd J. Obijeski. Examiner Moss confirmed the documentation required to perfect a claim for foreign priority in the above-identified application. Applicant and his representatives thank Examiner Moss for her courtesy in conducting this interview.

Claim for Foreign Priority

Applicant herewith attaches the following documents:

- Exhibit A – A certified copy of EP application 02001519.4, filed January 22, 2002, in German.
- Exhibit B – A copy of the published PCT application WO 03/062797 A1 for PCT application PCT/03/00357, filed January 15, 2003, in German. Applicant notes that PCT/03/00357 is identical in wording to priority document EP 02001519.4.
- Exhibit C – A copy of the English translation of PCT/EP03/00357 and the basis for the pending application, 10/686,865.
- Exhibit D – A certificate of translation for the translation of Exhibit B to Exhibit C.

Accordingly, for the pending application, Applicant asserts a claim of foreign priority as of the earliest effective filing date of January 22, 2002, the filing date of EP application 02001519.4.

Rejections Under 35 U.S.C. § 112

Claims 1-10 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite due to phrasing of Claim 1, step c). In view of the amendment to Claim 1, step c), Applicant asserts that this rejection is obviated and respectfully requests that it be withdrawn.

Rejections Under 35 U.S.C. § 102(e)

Claims 1, 3, and 5-10 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication Number 2003/0175827 A1 to Stillman et al. ("*Stillman*"). In view of the earliest effective filing date of the present application and the above-mentioned claim for foreign priority, Applicant respectfully asserts that this rejection is obviated.

As indicated on the face of Publication Number 2003/0175827 A1, *Stillman* was filed on March 14, 2002, under U.S. Patent Application Serial Number 10/098,768. The filing date of *Stillman* – March 14, 2002 – is **after** the priority date of January 22, 2002, of the pending application. Hence, in accordance with 35 U.S.C. § 102(e), *Stillman* may not be used as a "prior art" reference against the claimed invention. Accordingly, Applicant respectfully requests that the rejection of Claims 1, 3, and 5-10 under 35 U.S.C. § 102(e) as being anticipated by *Stillman* be withdrawn.

Rejections Under 35 U.S.C. § 103(a)

Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable in view of *Stillman*. In view of the earliest effective filing date of the present application and the above-mentioned claim for foreign priority, Applicant respectfully asserts that this rejection is obviated.

As stated above, the filing date of *Stillman* – March 14, 2002 – is after the priority date of January 22, 2002, of the pending application. Hence, *Stillman* may not be used as a “prior art” reference against the claimed invention. Accordingly, Applicant respectfully requests that the rejection of Claim 2 under 35 U.S.C. § 103(a) in view of *Stillman* be withdrawn.

Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stillman* in view of U.S. Patent No. 5,079,157 to Furuoya et al. (“*Furuoya*”). In view of the earliest effective filing date of the present application and the above-mentioned claim for foreign priority, Applicant respectfully asserts that this rejection is obviated.

As stated above, the filing date of *Stillman* – March 14, 2002 – is after the priority date of January 22, 2002, of the pending application. Hence, *Stillman* may not be used as a “prior art” reference against the claimed invention. As implied by the PTO, *Furuoya alone* fails to teach or suggest each and every element of Claim 4. Accordingly, Applicant respectfully requests that the rejection of Claim 4 under 35 U.S.C. § 103(a) in view of *Stillman* and *Furuoya* be withdrawn.

Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stillman* in view of U.S. Patent No. 4,629,785 to McCaffery (“*McCaffery*”). In view of the earliest effective filing date of the present application and the above-mentioned claim for foreign priority, Applicant respectfully asserts that this rejection is obviated.

As stated above, the filing date of *Stillman* – March 14, 2002 – is after the priority date of January 22, 2002, of the pending application. Hence, *Stillman* may not be used as a “prior art” reference against the claimed invention. As implied by the PTO, *McCaffery alone* fails to teach or suggest each and every element of Claim 8. Accordingly, Applicant respectfully requests that the rejection of Claim 8 under 35 U.S.C. § 103(a) in view of *Stillman* and *McCaffery* be withdrawn.

CONCLUSION

In view of the above amendments and remarks, Applicant respectfully asserts that the rejections set forth in the Office Action have been fully addressed and overcome. Hence, Applicant asserts that all Claims are in condition for allowance and requests that an early notice of allowance be issued. If issues may be resolved through Examiner's Amendment, or clarified in any manner, a call to the undersigned attorney at (404) 962-7523 is respectfully requested.

No fees are believed due, however, the Commissioner is hereby authorized to charge any deficiencies which may be required, or credit any overpayment to Deposit Account No. 09-0528.

Respectfully submitted,



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